

SEVENTH AMENDMENT
TO
CONSTRUCTION AGREEMENT

THIS SEVENTH AMENDMENT to the Construction Agreement dated November 2, 2016, is made and entered into on October 1, 2021 (the "Seventh Amendment") between Lipsky Building Construction, Inc., having an office located at 814 Montauk Highway, Bayport, NY 11705, ("Contractor"), and the HOUSING TRUST FUND CORPORATION, having its principal office at 38-40 State Street, Albany, New York 12207 ("HTFC").

WITNESSETH:

WHEREAS, Contractor was successfully admitted to the Prequalified List ("PQL") for RFQ #201603_047 on August 11, 2016; and

WHEREAS, Contractor was a successful bidder pursuant to initial Invitations for Bid ("IFB") #027E issued on August 17, 2016; and

WHEREAS, HTFC and Contractor entered into a Construction Agreement (the "Agreement") on November 2, 2016, and made effective on September 7, 2016, pursuant to which Contractor provides certain services in support of HTFC's administration of the State of New York's Community Development Block Grant-Disaster Recovery ("CDBG-DR") program; and

WHEREAS, HTFC's Governor's Office of Storm Recovery ("GOSR") is specifically tasked with administering the State of New York's CDBG-DR program and therefore oversees and administers this Agreement; and

WHEREAS, HTFC and Contractor's Contract Price in the Construction Agreement totaled \$5,000,000.00; and

WHEREAS, HTFC entered into a First Amendment to the Agreement on January 20, 2017 which increased the Contract Price by \$5,000,000.00, to a new Total Amount of \$10,000,000.00; and

WHEREAS, HTFC entered into a Second Amendment to the Agreement on November 16, 2017 which increased the Contract Price by \$4,000,000.00, to a new Total Amount of \$14,000,000.00, and extended the Contract Term for one (1) additional year, to September 6, 2018; and

WHEREAS, HTFC entered into a Third Amendment to the Agreement on July 11, 2018, which increased the Contract Price by \$2,550,000.00, to a new Total Amount of \$16,550,000.00, and extended the Term of the Agreement for one (1) additional year, to September 6, 2019; and

WHEREAS, HTFC entered into a Fourth Amendment to the Agreement on January 25, 2019, which increased the Contract Price by \$170,000.00, to a new Total Amount of \$16,720,000.00; and

WHEREAS, HTFC entered into a Fifth Amendment to the Agreement on August 26, 2019, which increased the Contract Price by \$1,000,000.00, to a new Total Amount of \$17,720,000.00, and extended the Term of the Agreement for one (1) additional year, to September 6, 2020; and

WHEREAS, HTFC entered into a Sixth Amendment to the Agreement on November 3, 2020, which increased the Contract Price by \$7,380,000.00, to a new Total Amount of \$25,100,000.00, and extended the Term of the Agreement for one (1) additional year, to September 6, 2021; and

WHEREAS, HTFC wishes to obtain additional services from Contractor that are within the scope of services sought under the RFQ and provided by Contractor under the Agreement; and

WHEREAS, HTFC seeks to extend the Term of the Agreement for fifteen (15) additional months, to December 6, 2022; and

WHEREAS, HTFC/GOSR and Contractor desire to amend the Agreement by means of this Seventh Amendment to extend the Term of the Agreement to allow Contractor to perform additional services;

NOW, THEREFORE, pursuant to and in consideration of the above, and other mutual covenants and obligations herein contained, it is

STIPULATED AND AGREED as follows:

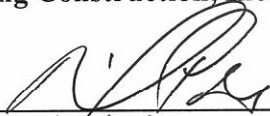
1. Section 4.3 of Article 4 is hereby deleted and replaced with the following:

"4.3 Period of performance. Contractor will perform the Work set forth in all applicable Work Orders under this Construction Agreement during the period: **September 7, 2016 thru December 6, 2022.**"

2. All other terms and conditions, including appendices, attachments, exhibits, riders, prior Amendments, and Letter Agreements to the Agreement are hereby continued in full force and effect as though set forth herein.

IN WITNESS WHEREOF, the parties executed this Seventh Amendment on the day and year first above written.

Lipsky Building Construction, Inc.

By: 
Name: Barry Lipsky
Title: President
Date: 9/27/2021

Housing Trust Fund Corporation

By: Emily Thompson
Name: Emily Thompson
Title: Acting General Counsel,
Governor's Office of Storm Recovery
Date: 10/1/2021